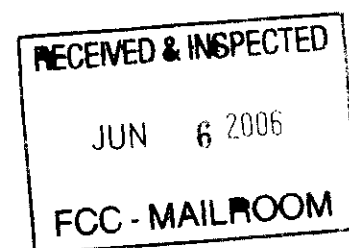


## Letter of Waiver Request



**CC Docket No. 02-6**

**Billed Entity Name:**

School District of Escambia County

**Billed Entity Number:**

127641

**Billed Entity Contact:**

Bill Bush

Vernon McDaniel Building

215 West Garden Street

Pensacola, FL 32501

Voice 850 469 6242

Fax 850 469 6310

bbush@escambia.k12.fl.us

**Details of Request for Waiver:**

A minor procedural error has resulted in the delayed certification of funding year 2005, 486 forms by the School District of Escambia County (hereafter SDEC). This delay in certification, relative to the receipt date of the associated FDCLs, potentially denies SDEC access to a substantial and critically needed portion of its 2005 E-rate funding. SDEC seeks relief regarding this potential loss of funding through a Request for Waiver of the Form 486 filing deadline.

Escambia County, population 350,000, occupies the western most region of the Florida panhandle. Pensacola is the county seat and the primary municipality. SDEC serves 43,000 students, employs 3000 teachers, and maintains 70 schools and centers. Escambia County and SDEC, as is the case with other central gulf coast counties, municipalities, and school systems, are still recovering from two consecutive years of very active tropical weather. For Escambia County, Pensacola, and SDEC this included two consecutive years of direct hits by category 3 hurricanes, Ivan in 2004 and Dennis in 2005. SDEC incurred \$80 million in losses from these two storms including varying degrees of damage to the physical plant and the technology infrastructure of every instructional, administrative, and operational facility in the district.

SDEC is relying on its 2005 E-rate discounts (approximately \$433,500.00) as a major source of capital funds for the restoration, improvement, and where necessary hardening of the district's technology infrastructure and educational services. The denial of any portion of SDEC 2005 E-rate funding, particularly as result of a minor procedural error, will inflict undue hardship on the school district by severely curtailing its capacity to proceed with these processes. Further, denial of any portion of SDEC 2005 funding will not further the purposes of the E-rate program and nor serve the public interest.

No. of Copies rec'd \_\_\_\_\_  
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The form 486 numbers and other information pertinent to the procedural error that resulted in SDEC delaying certification of its 2005, 486 forms are cited in the table below.

486 number	486 entry date	FDCL date	Corresponding 471 number
326385	12/6/2005	11/16/2005	459695
326379	12/6/2005	11/16/2005	460757
326408	12/6/2005	11/23/2005	464483

In the process of filing a BEAR form in May 2005, it was discovered that the original 486 thought to have been filed in December of 2005 was still in the SLD system. In all previous funding years, SDEC 470 and 471 forms were properly completed and were successfully verified as compliant with E-rate funding eligibility through the PIA process. The 2005 486 forms were filed online as SDEC has done since the online process first became available; however, unlike previous years, this was the first year that SDEC used the PIN for certifying 486 forms. Confusion and miscommunication between administration and staff regarding new responsibilities for the online certification of 486 forms resulted in a staff member's failure to certify the 2005 486 forms before the required deadline.

Upon discovery of the certification problem, SDEC contacted SLD (case number 21-424931, established 5/22/2006) and was advised to immediately certify the 486 forms. SDEC followed SLD advice, but SDEC is also aware that this action will potentially result in a substantial loss of funding. This loss of funding will significantly and negatively impact the goals and strategies cited in the District Technology Plan for using E-Rate discounts on telecommunications and information technology to improve educational services. In addition as previously mentioned, the loss of these funds will severely impact our hurricane devastated district. These funds are needed to help reconstruct our infrastructure that was lost or damaged as a result of the last two years of hurricanes

It is our hope that the FCC will grant a waiver of the Form 486 filing deadline in light of the recently released orders. FCC Order 06-54 (May 19, 2006) indicates that procedural form entry errors, unlike substantive errors involving waste, fraud, abuse, or a failure to adhere to core program requirements, are not legitimate reasons for invalidating an SLD form for purposes of funding requests or for denial of any portion of a billed entity's funding commitment: Discussion excerpts are below.

- In addition, we direct USAC to modify its application review procedures as of the effective date of this Order to better inform applicants of approaching FCC Form 486 filing deadlines and also provide a 15 day opportunity to file the form if the applicant has missed the deadline.*
- FCC order 06-54, Part III - Discussion, Item 8. Generally, the petitioners argue that immaterial clerical, ministerial or procedural errors resulted in rejection of their requests. Some also dispute that an error was made at all. For the reasons discussed below, we waive the relevant Commission rules, and grant all pending appeals pertaining to decisions denying funding due to a failure to comply with minimum processing standards*

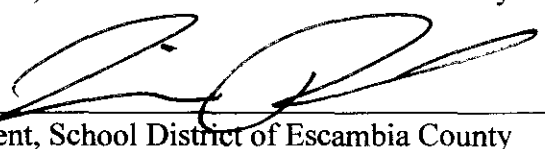
- *FCC order 06-54, Part III - Discussion, Item 13. The rest of the petitioners assert a waiver is appropriate for one of two reasons: either someone on the applicants' staff made a mistake or had a family emergency that prevented them from filing on time or the delay in the filing or receipt of the application was due to circumstances out of the applicants' control. Specifically, in the first group, some of these appeals involve applicants whose staff members inadvertently failed to file the application forms in a timely manner.*
- *FCC order 06-54, Part III - Discussion, Item 14. Given that the violation at issue is procedural, not substantive, we find that the complete rejection of each of these applications is not warranted. Notably, at this time, there is no evidence of waste, fraud or abuse, misuse of funds, or a failure to adhere to core program requirements. Furthermore, we find that denial of funding in these cases would inflict undue hardship on the applicants. In these cases, the applicants have demonstrated that rigid compliance with USAC's application procedures does not further the purposes of section 254(h) or serve the public interest.*
- *FCC order 06-54, Part III - Discussion, Item 19. We find, however, that a missing certification does not constitute a substantive violation, but a procedural one. We emphasize that these applicants still must file the certifications, even though they are late, for their applications to be processed by USAC. The question here is one of timing. USAC denied these applications not because the applicants refused to sign the certification, but because it was not received by USAC by the filing deadline, which meant that the applications were incomplete. Many of the applicants thought they had complied with the requirements, but due to computer error or other third-party errors, the certifications did not reach USAC.*
- *FCC order 06-54, Part III - Discussion, Item 23. As of the effective date of this Order, we require USAC to provide all E-rate applicants with an opportunity to cure ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications. Specifically, USAC shall inform applicants promptly in writing of any and all ministerial or clerical errors that are detected in their applications, along with a clear and specific explanation of how the applicant can remedy those errors. USAC shall also inform applications promptly in writing of any missing or incomplete certifications.*

Given the precedents established by the waivers in FCC Order 06-54, the School District of Escambia County respectfully requests that:

- 1) The certification status of its 2005 486 forms 326385, 326379, and 326408 be restored to reflect discount eligibility for the entirety of the service periods specified on the corresponding 470 and 471 forms
- 2) The full funding amounts specified on the FDCLs corresponding to the above referenced 486 forms be made available to SDEC

Appropriate SDEC internal processes have been put in place to prevent future procedural errors.

**Authorized Person:**

Print	Jim Paul	5/30/06
Superintendent, School District of Escambia County		Date
Signature		5/30/06
Superintendent, School District of Escambia County		Date



**Universal Service Administrative Company**  
Schools & Libraries Division

**FORM 486 NOTIFICATION LETTER**  
(Funding Year 2005: 07/01/2005 - 06/30/2006)

May 31, 2006

ESCAMBIA COUNTY SCHOOL DIST  
Bill Bush  
215 W GARDEN ST  
PENSACOLA, FL 32502

Re: Form 486 Application Number: 326385  
Applicant's Form 486 Identifier: FL17486052

This letter is to notify you that the Schools and Libraries Division (SLD) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on the affected Funding Request Number(s) (FRN).

**NEXT STEPS**

- Work with your service provider to establish discounts (SPI) or reimbursements (BEAR)
- Invoice the SLD -
  - applicant invoice is BEAR Form for reimbursements
  - service provider invoice is SPI Form for discounts
- Pay non-discount portion, as stated in program rules
- Maintain ALL documentation, as stated in program rules

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

**NOTICE ON SERVICE START DATE**

There may be some situations where one or more Service Start Dates as reflected on this letter have been changed from what you indicated on the Form 486. Such changes are made by the SLD to be in compliance with program rules. You will know that a change has been made if there is an asterisk next to the Service Start Date. If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of the discounts only on eligible, approved products and/or services actually delivered and installed on or after the Service Start Date indicated on this letter.

## TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FRN Service Start Date change or Funding Commitment adjustment you are appealing. Indicate the relevant funding year and the date of this Form 486 Notification Letter. Your letter of appeal must also include the relevant Funding Request Number(s), the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from your Form 486.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use either the e-mail or fax filing options.

### NOTICE ON RULES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Universal Service Support Mechanism. Applicants who have received funding commitments continue to be subject to audits and other reviews that the SLD and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. The SLD may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by the SLD, the applicant, or the service provider. The SLD and other appropriate authorities (including but not limited to USAC and the FCC), may pursue enforcement actions and other means of recourse to collect erroneously disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

## A GUIDE TO THE FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT

A report for each FRN for which you have notified us of a Service Start Date is attached to this letter. We are providing the following definitions for the items in that report.

**Funding Request Number (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 of your Form 471 once an application has been processed. This number is used to report to applicants and service providers the status of individual discount funding requests submitted on a Form 471.

**Form 471 Application Number:** A unique identifier assigned to a Form 471 application by the SLD.

**Service Provider Name:** The name of the service provider that you identified as providing the service included in this FRN.

**Service Provider Identification Number:** The unique number assigned by USAC to the service provider you identified as providing the service included in this FRN.

**Billing Account Number:** The account number that you have established with your service provider for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

**Service Start Date:** The Service Start Date (SSD) as indicated on the Form 486. If this date is marked with an asterisk, it was changed by the SLD to be in compliance with program rules and an explanation for the change has been provided. This date as shown is controlling and USAC will not reimburse discounts on products and/or services delivered or installed prior to this date.

**Service Start Date Change Explanation (SHOWN ONLY IF RELEVANT):** If the Service Start Date is marked with an asterisk, this field will explain why the SLD changed the date. One of the following explanations may appear:

**AVSCD:** The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVSCD) from the Form 470 cited for this FRN on the Form 471. If you indicated an earlier SSD on the Form 486, the SLD changed the SSD to the AVSCD.

**120-DAY 486 DEADLINE:** Forms 486 must be postmarked no later than 120 days after the start of services or no later than 120 days after the date of the FCDL, whichever is later. If the Form 486 is postmarked after the later of those two dates, the SLD changed the SSD to the date 120 days before the Form 486 postmark date. That date will become the start date for discounted services. You are advised to keep proof of the date of mailing of your form(s).

**Adjusted Funding Commitment (SHOWN ONLY IF RELEVANT):** If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. This field will only appear if there is a reduction to the funding commitment amount.



FORM 486 NOTIFICATION LETTER  
FUNDING COMMITMENT REPORT  
(Funding Year 2005)

Funding Request Number: 1265301  
Form 471 Application Number: 459695  
Service Provider Name: BellSouth Telecommunications, Inc.  
Service Provider Identification Number: 143004824  
Billing Account Number: N/A  
Service Start Date: 01/22/2006\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$54,142.65

Request restore to original start date and  
funding amount on 471 and FDCL.



**Universal Service Administrative Company**  
Schools & Libraries Division

**FORM 486 NOTIFICATION LETTER**  
(Funding Year 2005: 07/01/2005 - 06/30/2006)

May 31, 2006

ESCAMBIA COUNTY SCHOOL DIST

Bill Bush

215 W GARDEN ST

PENSACOLA, FL 32502

Re: Form 486 Application Number: 326379

Applicant's Form 486 Identifier: FL17486051

This letter is to notify you that the Schools and Libraries Division (SLD) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on the affected Funding Request Number(s) (FRN).

**NEXT STEPS**

- Work with your service provider to establish discounts (SPI) or reimbursements (BEAR)
- Invoice the SLD -
  - applicant invoice is BEAR Form for reimbursements
  - service provider invoice is SPI Form for discounts
- Pay non-discount portion, as stated in program rules
- Maintain ALL documentation, as stated in program rules

You may be receiving this letter to revise or correct a previous Form 486 Notification Letter. The information contained in this letter supersedes any previous notification you may have received, including, but not limited to, a previously adjusted Service Start Date or previously reduced funding commitment.

**NOTICE ON SERVICE START DATE**

There may be some situations where one or more Service Start Dates as reflected on this letter have been changed from what you indicated on the Form 486. Such changes are made by the SLD to be in compliance with program rules. You will know that a change has been made if there is an asterisk next to the Service Start Date. If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of the discounts only on eligible, approved products and/or services actually delivered and installed on or after the Service Start Date indicated on this letter.



## TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

If you wish to appeal the Service Start Date change(s) and/or funding commitment adjustment(s) indicated in this letter, your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FRN Service Start Date change or Funding Commitment adjustment you are appealing. Indicate the relevant funding year and the date of this Form 486 Notification Letter. Your letter of appeal must also include the relevant Funding Request Number(s), the Billed Entity Name, the Form 471 Application Number, and the Billed Entity Number from your Form 486.
3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

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## NOTICE ON RULES AND FUNDS AVAILABILITY

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## A GUIDE TO THE FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT

A report for each FRN for which you have notified us of a Service Start Date is attached to this letter. We are providing the following definitions for the items in that report.

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**Form 471 Application Number:** A unique identifier assigned to a Form 471 application by the SLD.

**Service Provider Name:** The name of the service provider that you identified as providing the service included in this FRN.

**Service Provider Identification Number:** The unique number assigned by USAC to the service provider you identified as providing the service included in this FRN.

**Billing Account Number:** The account number that you have established with your service provider for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

**Service Start Date:** The Service Start Date (SSD) as indicated on the Form 486. If this date is marked with an asterisk, it was changed by the SLD to be in compliance with program rules and an explanation for the change has been provided. This date as shown is controlling and USAC will not reimburse discounts on products and/or services delivered or installed prior to this date.

**Service Start Date Change Explanation (SHOWN ONLY IF RELEVANT):** If the Service Start Date is marked with an asterisk, this field will explain why the SLD changed the date. One of the following explanations may appear:

**AVSCD:** The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVSCD) from the Form 470 cited for this FRN on the Form 471. If you indicated an earlier SSD on the Form 486, the SLD changed the SSD to the AVSCD.

**120-DAY 486 DEADLINE:** Forms 486 must be postmarked no later than 120 days after the start of services or no later than 120 days after the date of the FCDL, whichever is later. If the Form 486 is postmarked after the later of those two dates, the SLD changed the SSD to the date 120 days before the Form 486 postmark date. That date will become the start date for discounted services. You are advised to keep proof of the date of mailing of your form(s).

**Adjusted Funding Commitment (SHOWN ONLY IF RELEVANT):** If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. This field will only appear if there is a reduction to the funding commitment amount.

FORM 486 NOTIFICATION LETTER  
FUNDING COMMITMENT REPORT  
(Funding Year 2005)

Funding Request Number: 1266623  
Form 471 Application Number: 460757  
Service Provider Name: BellSouth Telecommunications, Inc.  
Service Provider Identification Number: 143004824  
~~Billing Account Number: N/A~~  
Service Start Date: 01/22/2006\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$119,346.14

Funding Request Number: 1276326  
Form 471 Application Number: 460757  
Service Provider Name: Frontier Communications of the South, LLC  
Service Provider Identification Number: 143001561  
~~Billing Account Number: N/A~~  
Service Start Date: 01/22/2006\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$10,456.61

*Request restore to original start date and  
funding amount on 471 and FDCL.*



**Universal Service Administrative Company**  
Schools & Libraries Division

**FORM 486 NOTIFICATION LETTER**  
(Funding Year 2005: 07/01/2005 - 06/30/2006)

May 31, 2006

ESCAMBIA COUNTY SCHOOL DIST  
Bill Bush  
215 W GARDEN ST  
PENSACOLA, FL 32502

Re: Form 486 Application Number: 326408  
Applicant's Form 486 Identifier: FL17486053

This letter is to notify you that the Schools and Libraries Division (SLD) has received and accepted an FCC Form 486, Receipt of Service Confirmation Form, from you. This notification is to confirm the information that you provided. This information is being shared with the service provider whose SPIN you identified on the affected Funding Request Number(s) (ERN).

**NEXT STEPS**

- Work with your service provider to establish discounts (SPI) or reimbursements (BEAR)
- Invoice the SLD -
  - applicant invoice is BEAR Form for reimbursements
  - service provider invoice is SPI Form for discounts
- Pay non-discount portion, as stated in program rules
- Maintain ALL documentation, as stated in program rules

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#### TO APPEAL THE SERVICE START DATE/FUNDING COMMITMENT CHANGE DECISION

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1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
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3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
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## A GUIDE TO THE FORM 486 NOTIFICATION LETTER FUNDING COMMITMENT REPORT

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**Billing Account Number:** The account number that you have established with your service provider for billing purposes. This will be present only if a Billing Account Number was provided on the Form 471.

**Service Start Date:** The Service Start Date (SSD) as indicated on the Form 486. If this date is marked with an asterisk, it was changed by the SLD to be in compliance with program rules and an explanation for the change has been provided. This date as shown is controlling and USAC will not reimburse discounts on products and/or services delivered or installed prior to this date.

**Service Start Date Change Explanation (SHOWN ONLY IF RELEVANT):** If the Service Start Date is marked with an asterisk, this field will explain why the SLD changed the date. One of the following explanations may appear:

**AVSCD:** The Service Start Date may not be before the Allowable Vendor Selection/Contract Date (AVSCD) from the Form 470 cited for this FRN on the Form 471. If you indicated an earlier SSD on the Form 486, the SLD changed the SSD to the AVSCD.

**120-DAY 486 DEADLINE:** Forms 486 must be postmarked no later than 120 days after the start of services or no later than 120 days after the date of the FCDL, whichever is later. If the Form 486 is postmarked after the later of those two dates, the SLD changed the SSD to the date 120 days before the Form 486 postmark date. That date will become the start date for discounted services. You are advised to keep proof of the date of mailing of your form(s).

**Adjusted Funding Commitment (SHOWN ONLY IF RELEVANT):** If the SLD changed the Service Start Date, this change may have triggered a reduction in the funding commitment. This field will only appear if there is a reduction to the funding commitment amount.



FORM 486 NOTIFICATION LETTER  
FUNDING COMMITMENT REPORT  
(Funding Year 2005)

Funding Request Number: 1277555  
Form 471 Application Number: 464483  
Service Provider Name: Nextel Partners  
Service Provider Identification Number: 143019623  
Billing Account Number: 592066089  
Service Start Date: 01/22/2006\*  
Service Start Date Change Explanation: 120-DAY 486 DEADLINE  
Adjusted Funding Commitment: \$31,695.84

Request restore to original start date and  
funding amount on 471 and FDCL.

## PACKING OF ALL YOUR PACKAGES

**The efficient,**  
**the Express**